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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, individually and
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF JOSEPH H.
MARGOLIES IN SUPPORT OF
ADMINISTRATIVE MOTION TO SEAL
CORRECTIONS TO PLAINTIFFS'
OPPOSITION TO GOOGLE'S MOTION
FOR SUMMARY JUDGMENT (DKT. 939)**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Joseph H. Margolies, declare as follows:

2 1. I am an attorney with Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for
3 Defendant Google LLC (“Google”) in this action. I have been admitted *pro hac vice* in this matter.
4 Dkt. 681. I am making this declaration pursuant to Civil Local Rule 79-5(e)–(f) as an attorney for
5 Google as the Designating Party, pursuant to Civil Local Rule 79-5(f)(3) in response to Dkt. 939.

6 2. On May 1, 2023, Plaintiffs filed their Administrative Motion to Consider Whether
7 Google’s Material Should be Sealed regarding corrections to Plaintiffs’ Opposition to Google’s
8 Motion for Summary Judgment (Dkt. 939). On May 1, 2023, I received unredacted service copies
9 of these documents.

10 3. The common law right of public access to judicial proceedings is not a constitutional
11 right and it is “not absolute.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *Crowe v.*
12 *Cty. of San Diego*, 210 F. Supp. 2d 1189, 1194 (S.D. Cal. 2002) (“[T]here is no right of access which
13 attaches to all judicial proceedings.”). In the context of dispositive motions, materials may be sealed
14 in the Ninth Circuit upon a showing that there are “compelling reasons” to seal the information. *See*
15 *Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1179–80 (9th Cir. 2006). Compelling reasons
16 include “sources of business information that might harm a litigant’s competitive standing.” *Ctr.*
17 *For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (quoting, 435 U.S. at
18 598–99).

19 4. I have reviewed the documents that Plaintiffs seek to file under seal pursuant to Civil
20 Local Rule 79-5(f). Based on my review, there are compelling reasons to seal the following:

Document(s) to be Sealed	Basis for Sealing
<p>21 Google’s Responsive Separate</p> <p>22 Statement to Plaintiffs’ Additional</p> <p>23 Material Facts (Corrected)</p> <p>24 Pages 9:23, 10:12, 11:11, 12:13–</p> <p>25 14, 16:10–11, 19:3–4, 21:22–23,</p> <p>26 23:9, 24:8–9, 25:23, 43:26, 44:12</p> <p>27 Google joins Plaintiffs’ motion to</p> <p>28 seal in PART with respect to this</p> <p>document.</p>	<p>The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including various types of Google’s internal projects, data fields, and logs, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order</p>

	entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.
<p>Exhibit 45 (Corrected) to Mao Declaration – GOOG-BRWN-00390418</p> <p>Pages -0418, -0419</p> <p>Google joins Plaintiffs’ motion to seal in PART with respect to this document.</p>	<p>The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including an internal project that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.</p>
<p>Exhibit 54 (Corrected) to Mao Declaration – GOOG-BRWN-00437647</p> <p>Seal Entirely</p> <p>Google joins Plaintiffs’ motion to seal in FULL with respect to this document.</p>	<p>The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including internal projects and analysis, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.</p>
<p>Exhibit 63 (Corrected) to Mao Declaration –</p>	<p>The information requested to be sealed contains Google’s highly confidential and proprietary information regarding</p>

<p>GOOG-BRWN-00475063</p> <p>Pages -064, -066</p> <p>Google joins Plaintiffs’ motion to seal in PART with respect to this document.</p>	<p>highly sensitive features of Google’s internal systems and operations, including internal project names, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.</p>
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5. Google’s request is narrowly tailored in order to protect its confidential information. These redactions are limited in scope and volume. Because the proposed redactions are narrowly tailored and limited to portions containing Google’s highly confidential or confidential information, Google requests that the portions of the aforementioned documents be redacted from any public version of those documents.

6. Google does not seek to redact or file under seal any of the remaining portions of documents not indicated in the table above.

7. Google previously sought to seal the phrase “tens of millions” in Google’s Responsive Separate Statement to Plaintiffs’ Additional Material Facts at 33:17–18. *See* Dkt. 928 (seeking to seal Dkt. 924-4 at 29:9, and to seal Dkt. 925-6 at 14:18–19), Dkt. 933 (seeking to seal Dkt. at 33:17–18). Upon further consideration, Google withdraws its request to seal that phrase.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed in Bayside, Wisconsin on May 8, 2023.

By /s/ Joseph H. Margolies
Joseph H. Margolies